

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 500.00

Complete if Known:

Application No. 09/551,303  
Filing Date April 18, 2000  
First Named Inventor Nick King  
Examiner Name Dennis G. Bonshock  
Confirmation No. 1966  
Art Unit 2173  
Attorney Docket No. 4860P2439

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☒ Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee		
1111	500	2111	250	Utility search fee	1,000/500	
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee	430/215	
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee	660/330	
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee	1,400/700	
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
SUBTOTAL (1) \$						<u>0.00</u>

## 2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b> <u>49</u> – 49 or HP = <u>0</u>		X \$50.00	= <u>0</u>
HP = highest number of total claims paid for, if greater than 20			
<b>Independent Claims</b> <u>9</u> – 9 or HP = <u>0</u>		X \$200.00	= <u>0</u>
HP = highest number of independent claims paid for, if greater than 3			
<b>Multiple Dependent Claims</b>			= <u>        </u>
<u>Large Entity</u>	<u>Small Entity</u>		
Fee Fee	Fee Fee		
Code (\$)	Code (\$)	<u>Fee Description</u>	
1202 50	2202 25	Each claim over 20	
1201 200	2201 100	Each independent claim over 3	
1203 360	2203 180	Multiple dependent claims, if not paid	
1204 200	2204 100	Reissue: each claim over 20 and more than in the original patent	
1205 50	2205 25	Reissue: each independent claim more than in the original patent	
SUBTOTAL (2) \$ <u>0</u>			

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<u>        </u>	– 100 = <u>        </u>	/ 50 = <u>        </u> (round up to whole number)	X \$250.00	<u>        </u>
<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</u>		
Fee Fee	Fee Fee			
Code (\$)	Code (\$)			
1081 250	2081 125	Utility		
1082 250	2082 125	Design		
1083 250	2083 125	Plant		
1084 250	2084 125	Reissue		
SUBTOTAL (3) \$ <u>0</u>				

**FEE CALCULATION (continued)****4. OTHER FEE(S)****Fees Paid (\$)**

Non-English Specification, \$130 fee (no small entity discount)

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 500.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Kevin G. ShaoSignature: Date: July 23, 2007Reg. Number: 45,095Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

PATENT

Application No.: 09/551,303  
Filing Date: April 18, 2000  
First Named Inventor: Nick King  
Examiner: Dennis G. Bonshock  
Art Unit: 2173  
Confirmation No.: 1966  
Attorney Docket No.: 4860P2439

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

## ATTACHMENTS

☒ Postcard (Return Receipt)  
☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
☒ Check No.: 11618 In the Amount of: \$ 500.00  
Petition for Extension of Time  
Preliminary Amendment  
Amendment/Response with respect to Office Action  
Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
Notice of Appeal  
RCE (Request for Continued Examination)  
Supplemental Declaration  
Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
Information Disclosure Statement (IDS)  
Copies of IDS citations  
Cross-Reference to Related Application(s)  
Certified Copy of Priority Document  
☒ Other: Appeal Brief Under 37 CFR 41.37(a)  
Other:

## SUBMITTED BY:

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TYPED OR PRINTED NAME: Kevin G. Shao

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## CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450

on July 23, 2007

Date of Deposit

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Date

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(10/14/03)



Patty Docket No. 4860.P2439

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Nick King

Serial No.: 09/551,303

Filed: April 18, 2000

For: SYSTEM AND METHOD FOR CONTROLLING  
THE SCREEN DISPLAY APPEARANCE FOR  
DATA PROCESSING SYSTEM

Examiner: Dennis G. Bonshock

Art Unit: 2173

Confirmation No.: 1966

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)**

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2173, February 23, 2007, which finally rejected claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 in the above-identified application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on

July 23, 2007  
(Date of Deposit)

David Castro  
(Name of Person Mailing Correspondence)

(Signature)

07/25/2007 RFENADU1 00000045 09551303

500.00 0P

01 FC:1402

## **I. REAL PARTY IN INTEREST**

The real party in interest is the assignee of the full interest in the invention, Apple Inc., 1 Infinite Loop M/S 3-PAT, Cupertino, California 95014.

## **II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

## **III. STATUS OF THE CLAIMS**

Claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 are pending in the application and were finally rejected in an Office Action mailed February 23, 2007. Claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 are the subject of this appeal. A copy of Claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 as they stand on appeal are set forth in Appendix A.

#### **IV. STATUS OF AMENDMENTS**

No amendments have been submitted subsequent to the Final Office Action mailed February 23, 2007.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Appellant's invention as claimed in claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 is directed to a method and apparatus for controlling the screen display appearance for a digital processing system. In one exemplary embodiment, a data value, typically stored in a non-volatile memory, is retrieved; this data value represents an appearance of an enclosure of a digital processing system. An appearance of a display of this digital processing system is then set based upon the appearance of the enclosure. In one example, the appearance is the color of the enclosure which determines various colors and backgrounds of objects in a graphical user interface of the digital processing system.

Independent claim 1 claims a computer readable medium storing executable computer program instructions which when executed on a digital processing system cause the digital processing system to perform a method: retrieving a data value representing an appearance of an enclosure enclosing the digital processing system including a microprocessor, wherein the data value includes a value representing at least one of a machine type and a color of the enclosure of the digital processing system (see e.g., Specification, pp. 8-10; Figs. 2-3); and determining an appearance of a display of the digital processing system based upon said appearance of the enclosure (see e.g., Specification, pp. 8-10; Figs. 2-3). Independent claims

10 and 19 claim the invention as a system and a method respectively. Independent claims 32, 41, 50, and 58 includes limitations similar to those recited in claim 1.

Independent claim 16 claims a method of manufacturing a digital processing system: determining an appearance of an enclosure enclosing a digital processing system including a microprocessor (see e.g., Specification, pp. 8-10; Figs. 2-3); storing in a non-volatile memory of the digital processing system a data value representing the appearance of the enclosure, where the data value is retrieved when the digital processing system is first used in order to set an appearance of a display of said digital processing system, wherein said data value includes a value representing at least one of a machine type and a color of said enclosure (see e.g., Specification, pp. 8-10; Figs. 2-3). Independent claim 47 includes limitations similar to those recited in claim 16.



## **VI. GROUNDS OF REJECTIONS TO BE REVIEWED ON APPEAL**

A. Whether claims 1, 10, 19, 32, 41, 50, and 58 are patentable under 35 U.S.C. §103(a) over U.S. Patent No. 6,392,671 of Glaser. (“Glaser”).

B. Whether claims 2-3, 11 20-21, 33-34, 42-43, and 51-52 are patentable under 35 U.S.C. §103(a) over Glaser.

C. Whether claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 are patentable under 35 U.S.C. §103(a) over Glaser.

D. Whether claims 8, 15, 18, 26, 39, 46, 57 are patentable under 35 U.S.C. §103(a) over Glaser.

E. Whether claims 16, 18, and 47-49 are patentable under 35 U.S.C. §103(a) over Glaser.

## VII. ARGUMENT

The claims do not stand or fall together.

- A. Claims 1, 10, 19, 32, 41, 50, and 58 are patentable under 35 U.S.C. §103(a) over Glaser.

Claims 1, 10, 19, 32, 41, 50, and 58 stand or fall together. Claim 1 is the representative claim. As discussed above, Appellant's invention as claimed is directed to controlling the screen display appearance for a digital processing system.

Specifically, for example, independent claim 1 includes limitations of retrieving a data value representing an appearance of an enclosure enclosing a data processing system including a microprocessor of the system, where the data value represents at least one of a machine type and a color of the enclosure of the data processing system. Thereafter, an appearance of a display of the data processing system is determined based on the appearance of the enclosure of the data processing system using the data value.

That is, an appearance of a display of a computer (e.g., desktop scheme) may be determined based on a data value representing an appearance of an enclosure (e.g., chassis) of the computer including the microprocessor (e.g., CPU) of the computer. The data value also indicates the machine type and/or color of the enclosure of the computer including enclosing a microprocessor of the computer. It is respectfully submitted that the above limitations are absent from Glaser.

Rather, Glaser discloses selecting a desktop scheme of a computer based on a type of a pointing device (e.g., mouse) plugged into the computer, such as mechanical and/or electrical features of the pointing device, rather than an enclosure (e.g., chassis) of the computer.

Specifically, Glaser states:

“Further in accordance with the present invention, mouse 30 includes identification means 35, which can be, for example, a semiconductor memory, DIP switch package, or a hardwired structure. Identification means 35 carries a unique identifier sufficient to identify to a computer system each unique individual mouse 30 that is connected to the microprocessor unit 1.”

(Glaser, col. 5, lines 27-37, emphasis added)

Thus, the desktop scheme of Glaser is determined based on a type of the mouse, where the mouse includes an identification means which is implemented in a mechanical and/or electrical manner (e.g., hardwired structure) as described above. It is respectfully submitted that the desktop scheme of Glaser is not based on an enclosure of the mouse and is definitely not based on an enclosure enclosing the computer, including its microprocessor (e.g., CPU). There is no suggestion for such purposes within Glaser.

In the Office Action, the limitation of an enclosure of a digital processing system was interpreted as “an appearance of an enclosure of a mouse or other peripheral that is a part of the digital processing system” (see e.g., 2/23/2007 Office Action, pp. 2-3). Applicant respectfully disagrees.

It is respectfully submitted that a mouse or a peripheral is not a computer and certainly does not include a microprocessor such as a CPU of a computer. If a mouse or a peripheral were considered as a computer, Glaser’s computer system includes another

computer system. It is respectfully submitted that one with ordinary skill in the art would not consider a mouse or a peripheral as a computer system.

The Office Action further contended that a mouse of Glaser may include memory and a microprocessor as disclosed by col. 8, lines 20-28 of Glaser (see, e.g., 2/23/2007 Office Action, p. 3). However, the cited section of Glaser is related to implementation of a mouse to include additional features such as co-processing, co-storage, etc. See e.g., Glaser, col. 8, lines 36-39. Such a mouse does not include a microprocessor of a computer system to which the mouse is connected. That is, the desktop or operating system of a digital processing system is not executed by a processor within a mouse. At most, the mouse of Glaser and the computer system to which the mouse is connected have to be interpreted as two separate units or alternatively, the mouse can only be interpreted as a peripheral (e.g., storage device) to the computer system to which it is attached.

Even if, for the sake of arguments, a mouse or a peripheral could be considered as a computer, the desktop scheme of Glaser does not depend on the enclosure of the mouse or the peripheral for the reasons set forth above. It is respectfully submitted that nowhere in Glaser discloses or suggests the limitations set forth above as claimed in the present application.

In order to render a claim obvious, each and every limitation of the claim must be taught by Glaser. It is respectfully submitted that Glaser fails to teach each and every limitation of claim 1. Therefore, for the reasons discussed above, independent claim 1 is patentable over Glaser. Similarly, independent claims 10, 19, 32, 41, 50, and 58 include limitations similar to those discussed above. Similar arguments with respect to claim 1 are

applied herein to claims 10, 19, 32, 41, 50, and 58. Therefore, for reasons similar to those discussed above, independent claims 10, 19, 32, 41, 50, and 58 are patentable over Glaser.

B. Claims 2-3, 11 20-21, 33-34, 42-43, and 51-52 are patentable under 35 U.S.C. §103(a) over Glaser.

Claims 2-3, 11 20-21, 33-34, 42-43, and 51-52 stand or fall together. Claim 2 is the representative claim. Claims 2-3, 11 20-21, 33-34, 42-43, and 51-52 depend from, directly or indirectly, at least one of the above independent claims. The reasons cited above with respect to the above independent claims are applicable to claims 2-3 and 11 and are herein incorporated by reference. Based on at least these reasons, claims 2-3, 11 20-21, 33-34, 42-43, and 51-52 are patentable over Glaser.

In addition, for example, independent claim 2 includes that the data value is stored in a memory which is coupled to the digital processing system. It is respectfully submitted that these limitations are absent from Glaser. The Examiner contended that col. 5, lines 27-30 of Glaser disclose such limitations (2/23/2007 Office Action, p. 4). Appellant respectfully disagrees. The cited section as discussed above does not disclose/suggest that the data value is stored in a memory which is coupled to the digital processing system, where the data value is used to represent an enclosure of the digital processing system.

Rather, the cited section merely describes how a “mouse includes identification means which can be, for example, a semiconductor memory...Identification means carries a unique identifier sufficient to identify to a computer system each unique individual mouse

that is connected to the microprocessor unit.”, instead of the data value stored in memory coupled to the digital processing system. As described above, a digital processing system is distinct from a mouse.

Even if, for the sake of arguments, the mouse of Glaser includes a data value stored within the mouse; however, such a data value is not used to represent an enclosure of a digital processing system. At most, such a data value can only be used to represent a specific design of the mouse.

Therefore, for reasons set forth above, it is respectfully submitted that claim 2 is patentable over Glaser. Similarly, claims 3, 11 20-21, 33-34, 42-43, and 51-52 include limitations similar to those recited in claim 2. Therefore, in addition to the reasons applied to their respective independent claims, claims 3, 11 20-21, 33-34, 42-43, and 51-52 are independently patentable over Glaser.

C. Claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 are patentable under 35 U.S.C. §103(a) over Glaser.

Claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 stand or fall together. Claim 4 is the representative claim. Claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 depend from, directly or indirectly, at least one of the above independent claims. The reasons cited above with respect to the above independent claims are applicable to claims 4-6 and 12-13 and are herein incorporated by reference. Based on at least these reasons, claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 are patentable over Glaser.

In addition, for example, claim 4 includes determining whether there is a user-defined set of display preference existed and if so, the user-defined set will be loaded first. These limitations are also absent from Glaser.

The Office Action contended that col. 3, lines 5-13 of Glaser discloses such limitations and it “must inherently determine if there are any user-defined display preferences stored in the digital processing system” (2/23/2007 Office Action, p. 5). Appellant respectfully disagrees. The cited section merely discloses that since certain peripheral devices have different identification means which may cause different conflicting schemes, the computer has to resolve such conflicts. There is no mention of a user-defined set of display preferences within the cited section of Glaser.

As described above, since a mouse or peripheral device includes hardware built-in to identify a specific scheme of the device, there is no need or capability for a user to define a user-defined set of display preferences. The Office Action’s “inherent” interpretation can only be based on the impermissible hindsight of Appellant’s own disclosure.

Therefore, in addition to the reasons applied to their respective base claims, claims 4-6, 12-13, 22-24, 35-38, 40, 44-45, and 53-56 are independently patentable over Glaser.

D. Claims 8, 15, 26, 39, 46, and 57 are patentable under 35 U.S.C. §103(a) over Glaser.

Claims 8, 15, 26, 39, 46, and 57 stand or fall together. Claims 8, 15, 26, 39, 46, and 57 depend from, directly or indirectly, at least one of the above independent claims. The reasons cited above with respect to the above independent claims are applicable to claims 8,

15, 26, 39, 46, and 57 and are herein incorporated by reference. Based on at least these reasons, claims 8, 15, 26, 39, 46, and 57 are patentable over Glaser.

E. Claims 16, 18, and 47-49 are patentable under 35 U.S.C. §103(a) over Glaser.

Claims 16, 18, and 47-49 stand or fall together. Claim 16 is the representative claim. Claim 16 includes, during the manufacturing of a digital processing system, determining an appearance of an enclosure of the digital processing system which includes a microprocessor such as a CPU and storing a data value in a non-volatile memory of the digital processing system, where the data value represents the appearance of the enclosure. The data value is retrieved when the digital processing system boots up the first time to set an appearance of a display of the digital processing system, where the data value represents at least one of a machine type and a color of the digital processing system. It is respectfully submitted that these limitations are absent from Glaser.

As described above, the identification means of Glaser's mouse does not represent an enclosure of a digital processing system. Thus, Glaser fails to disclose or suggest storing such a data value in a non-volatile memory of the digital processing system. Therefore, claim 16 is patentable over Glaser. Claim 47 includes limitations similar to those recited in claim 16 and claims 18 and 48-49 depend from one of the claims 16 and 47. Thus, for reasons similar to those discussed above, it is respectfully submitted that claims 18 and 47-49 are also patentable over Glaser.



## VIII. CONCLUSION

For the reasons stated above, claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 are patentable under 35 U.S.C. §103(a) over Glaser. Appellant respectfully requests that the Board reverse the rejections of the claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 and direct the Examiner to enter a Notice of Allowance for claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58.


Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. § 1.17(c) and 41.20(b)(2).

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 23, 2007

  
\_\_\_\_\_  
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## **APPENDIX A: Claims on Appeal**

(37 C.F.R. § 41.37(c)(1)(viii))

The claims on appeal read as follows:

1. (Previously Presented) A computer readable medium storing executable computer program instructions which when executed on a digital processing system cause said digital processing system to perform a method comprising:  
  
retrieving a data value representing an appearance of an enclosure enclosing said  
  
digital processing system including a microprocessor, wherein said data value  
  
includes a value representing at least one of a machine type and a color of said  
  
enclosure of said digital processing system; and  
  
determining an appearance of a display of said digital processing system based upon  
  
said appearance of said enclosure.
2. (Previously Presented) A computer readable medium as in claim 1 wherein said data value is stored in a memory which is coupled to said digital processing system.
3. (Previously Presented) A computer readable medium as in claim 1, wherein said data value is stored in a memory which is coupled to said digital processing system, and wherein said memory is a non-volatile memory and wherein said data value is stored in said memory by a manufacturer of said digital processing system.

4. (Previously Presented) A computer readable medium as in claim 2 further comprising:

determining whether a user defined set of display preferences has been stored in said digital processing system before said determining of said appearance of said display.

5. (Previously Presented) A computer readable medium as in claim 4 wherein said determining whether said user defined set has been stored is performed before said retrieving.

6. (Previously Presented) A computer readable medium as in claim 5 wherein if a user defined set of display preferences has not been stored in said digital processing system, then said retrieving is performed and said data value is used to store said user defined set.

7. (Canceled)

8. (Previously Presented) A computer readable medium as in claim 2 wherein said determining said appearance comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by said digital processing system.

9. (Previously Presented) A computer readable medium as in claim 6, wherein if said user defined set has been stored, said appearance of said display is determined based on said user defined set.

10. (Previously Presented) A digital processing system comprising:

a processor;

a display coupled to said processor;

a bus coupled to said processor;

a memory coupled to said bus, said memory storing a data value representing an appearance of an enclosure enclosing said digital processing system including a microprocessor, said processor retrieving said data value and setting an appearance of said display based upon said appearance of said enclosure, wherein said data value includes a value representing at least one of a machine type and a color of said enclosure of said digital processing system.

11. (Original) A digital processing system as in claim 10 wherein said data value is retained by said digital processing system even when power is not supplied to said digital processing system.

12. (Original) A digital processing system as in claim 11 wherein said processor determines whether a user defined set of display preferences has been stored before setting said appearance of said display.

13. (Original) A digital processing system as in claim 12 wherein if said user defined set has been stored, said processor sets said appearance of said display based upon said user defined set.

14. (Canceled)

15. (Original) A digital processing system as in claim 11 wherein said setting of said appearance of said display comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by said digital processing system.

16. (Previously Presented) A method of manufacturing a digital processing system, said method comprising:

determining an appearance of an enclosure enclosing a digital processing system

including a microprocessor; and

storing in a non-volatile memory of said digital processing system a data value

representing said appearance of said enclosure, wherein said data value is

retrieved when said digital processing system is first used in order to set an

appearance of a display of said digital processing system, wherein said data

value includes a value representing at least one of a machine type and a color of said enclosure.

17. (Canceled)

18. (Original) A method as in claim 16 wherein said appearance of said display includes at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by said digital processing system.

19. (Previously Presented) A method for operating a digital processing system, said method comprising:

retrieving a data value representing an appearance of an enclosure enclosing said digital processing system including a microprocessor, wherein said data value includes a value representing at least one of a machine type and a color of said enclosure of said digital processing system; and  
determining an appearance of a display of said digital processing system based upon said appearance of said enclosure.

20. (Original) A method as in claim 19 wherein said data value is stored in a memory which is coupled to said digital processing system.

21. (Previously Presented) A method as in claim 20,  
wherein said memory is a non-volatile memory and wherein said data value is stored in said memory by a manufacturer of said digital processing system.

22. (Original) A method as in claim 20 further comprising:  
determining whether a user defined set of display preferences has been stored in said  
digital processing system before said determining of said appearance of said  
display.
23. (Original) A method as in claim 22 wherein said determining whether said user  
defined set has been stored is performed before said retrieving.
24. (Original) A method as in claim 23 wherein if a user defined set of display  
preferences has not been stored in said digital processing system, then said retrieving is  
performed and said data value is used to store said user defined set.
25. (Canceled)
26. (Original) A method as in claim 20 wherein said determining said appearance  
comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop  
background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of  
text in menus; and (f) sounds produced by said digital processing system.
27. – 31. (Canceled)

32. (Previously Presented) A computer readable medium storing executable computer program instructions which when executed on a digital processing system cause the digital processing system to perform a method comprising:

retrieving a data value representing an appearance of an enclosure enclosing the

digital processing system including a microprocessor;

determining an appearance of at least one object displayed on a display of the digital

processing system based the data value.

33. (Previously Presented) A computer readable medium as in claim 32 wherein the data value is stored in a memory which is coupled to the digital processing system.

34. (Previously Presented) A computer readable medium as in claim 33 wherein the memory is a non-volatile memory and wherein the data value is stored in the memory by a manufacturer of the digital processing system.

35. (Previously Presented) A computer readable medium as in claim 33 further comprising:

determining whether a user defined set of display preferences has been stored in the

digital processing system before the determining of the appearance of the

display.

36. (Previously Presented) A computer readable medium as in claim 35 wherein the determining whether the user defined set has been stored is performed before the retrieving.



37. (Previously Presented) A computer readable medium as in claim 36 wherein if a user defined set of display preferences has not been stored in the digital processing system, then the retrieving is performed and the data value is used to store the user defined set.

38. (Previously Presented) A computer readable medium as in claim 33 wherein the data value includes a value representing at least one of a machine type and a color of the enclosure of the digital processing system.

39. (Previously Presented) A computer readable medium as in claim 33 wherein the determining the appearance comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by the digital processing system.

40. (Previously Presented) A computer readable medium as in claim 37 wherein if the user defined set has been stored, the appearance of the display is determined based on the user defined set.

41. (Previously Presented) A digital processing system comprising:  
a processor;  
a display coupled to the processor;  
a bus coupled to the processor;

a memory coupled to the bus, the memory storing a data value representing an appearance of an enclosure enclosing the digital processing system including the processor, the processor retrieving the data value and setting an appearance of at least one object displayed on the display based upon the data value.

42. (Previously Presented) A digital processing system as in claim 41 wherein the data value is retained by the digital processing system even when power is not supplied to the digital processing system.

43. (Previously Presented) A digital processing system as in claim 42 wherein the processor determines whether a user defined set of display preferences has been stored before setting the appearance of the display.

44. (Previously Presented) A digital processing system as in claim 43 wherein if the user defined set has been stored, the processor sets the appearance of the display based upon the user defined set.

45. (Previously Presented) A digital processing system as in claim 43 wherein the data value includes a value representing at least one of a machine type and a color of the enclosure of the digital processing system.

46. (Previously Presented) A digital processing system as in claim 42 wherein the setting of the appearance of the display comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by the digital processing system.

47. (Previously Presented) A method of manufacturing a digital processing system, the method comprising:

determining an appearance of an enclosure enclosing a digital processing system including a microprocessor;

storing in a non-volatile memory of the digital processing system a data value representing the appearance of the enclosure, wherein the data value is retrieved when the digital processing system is first used in order to set an appearance of at least one object displayed on a display of the digital processing system.

48. (Previously Presented) A method as in claim 47 wherein the data value includes a value representing at least one of a machine type and a color of the enclosure.

49. (Previously Presented) A method as in claim 47 wherein the appearance of the display includes at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by the digital processing system.

50. (Previously Presented) A method for operating a digital processing system, the method comprising:

retrieving a data value representing an appearance of an enclosure enclosing the

digital processing system including a microprocessor;

determining an appearance of at least one object displayed on a display of the digital

processing system based upon the data value.

51. (Previously Presented) A method as in claim 50 wherein the data value is stored in a memory which is coupled to the digital processing system.

52. (Previously Presented) A method as in claim 51 wherein the memory is a non-volatile memory and wherein the data value is stored in the memory by a manufacturer of the digital processing system.

53. (Previously Presented) A method as in claim 51 further comprising:

determining whether a user defined set of display preferences has been stored in the

digital processing system before the determining of the appearance of the

display.

54. (Previously Presented) A method as in claim 53 wherein the determining whether the user defined set has been stored is performed before the retrieving.

55. (Previously Presented) A method as in claim 54 wherein if a user defined set of display preferences has not been stored in the digital processing system, then the retrieving is performed and the data value is used to store the user defined set.

56. (Previously Presented) A method as in claim 51 wherein the data value includes a value representing at least one of a machine type and a color of the enclosure of the digital processing system.

57. (Previously Presented) A method as in claim 51 wherein the determining the appearance comprises setting an appearance of at least one of (a) a desktop background; (b) a desktop background picture; (c) colors of objects in menus; (d) colors of window controls; (e) font of text in menus; and (f) sounds produced by the digital processing system.

58. (Previously Presented) A machine readable medium providing executable program instructions to cause a data processing system to perform a method for operating the digital processing system, the method comprising:

determining whether a user defined set of display preferences has been stored in the digital processing system;

if a user defined set of display preferences has not been stored in the digital

processing system, retrieving a data value representing an appearance of an enclosure enclosing the digital processing system including a microprocessor, wherein the data value is stored in a memory coupled to the digital processing system; and

determining an appearance of a display of the digital processing system based upon  
the appearance of the enclosure,  
wherein if the user defined set has been stored, the appearance of the display is  
determined based on the user defined set.

**APPENDIX B: Evidence**

None.

**APPENDIX C: Related Proceedings**

None.